



Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

0003

December 11, 1992

Mr. Dick Shumway
1810 Shumway Lane
Moab, Utah 84532


Dear Mr. Shumway:

Re: Factory Butte Mineral Project, S/055/⁰⁰⁶066, Wayne County, Utah

Please find attached, an affidavit that has been prepared pursuant to your request for an exemption from regulation under the Division's Coal Regulatory Program. The affidavit will effectively exempt you from filing for a permit under the Coal Program, so long as your mining activities are conducted within the constraints/conditions of the affidavit. The Division's Minerals Program will regulate your humic shale mining activities under a small mining operation permit (file # S/055/066). If you are in agreement with the language in the affidavit, please sign it, have it notarized, then return it to this office at your earliest convenience.

Please contact me or Holland Shepherd if you have further questions in this regard.

Sincerely,


for Lowell P. Braxton
Associate Director, Mining

jb
Enclosure

AFFIDAVIT OF DICK SHUMWAY FOR PURPOSES
OF QUALIFYING FOR EXEMPTION FROM
REGULATION UNDER THE UTAH COAL REGULATORY PROGRAM

The undersigned, Dick Shumway, being duly sworn under oath, deposes and states as follows:

1. I am the operator of the Factory Butte Mineral Project, under DOGM file #, S/055/066, and under Utah State Coal Lease ML-45082 located in Section 2, Township 27 South, Range 9 East, SLBM, Wayne County, Utah (the "State Lease").

2. As operator of the Factory Butte Mineral Project, I intend to extract humic shale from lands underlying the State Lease.

3. I attest and affirm that any humic shale, coal or other carbonaceous products that I, or any other person or entity, extract from lands underlying the State Lease will be for my personal, noncommercial use as defined in Utah Admin. Code R645-100-400.

4. I further attest and affirm that I am aware that any exemption I receive from the Utah Division of Oil, Gas and Mining under the Utah Coal Regulatory Program, will not exempt me from any and all reclamation obligations imposed by the Utah Mined Land Reclamation Act, codified at Utah Code Ann. § 40-8-1 et. seq.

DATED this _____ day of December, 1992.

STATE OF UTAH)
:
COUNTY OF SALT LAKE)

I, DICK SHUMWAY, being first duly sworn, hereby state that I have read the foregoing AFFIDAVIT OF DICK SHUMWAY and that the same is true to the best of my knowledge, information and belief.

DICK SHUMWAY

Subscribed and sworn to before me this _____ day of
December, 1992.

NOTARY PUBLIC